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December 12, 2016

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

**Re: WC Docket No. 09-197
Wabash Independent Networks, Inc.'s Petition for Streamlined Designation as a
Lifeline Broadband Provider Eligible Telecommunications Carrier**

Dear Ms. Dortch:

On behalf of Wabash Independent Networks, Inc. ("WIN"), JSI hereby files this Petition for Streamlined Designation as a Lifeline Broadband Provider Eligible Telecommunications Carrier pursuant to section 54.202 of the Commission's rules.

If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Lans Chase
Staff Director – Regulatory Affairs
John Staurulakis, Inc.
(770) 569-2105
lchase@jsitel.com

cc: Barry Adair, EVP / General Manager – Wabash Independent Networks, Inc.
Christian Hoefly, Wireline Competition Bureau - Christian.Hoefly@fcc.gov

Headquarters: 7852 Walker Drive, Suite 200
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547 South Oakview Lane
Bountiful, UT 84010
phone: 801-294-4576, fax: 801-294-5124

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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In The Matter of)	
)	
Telecommunications Carriers Eligible to)	
Receive Universal Service Support)	WC Docket No. 09-197
)	
Wabash Independent Networks, Inc.)	
)	
Petition for Streamlined Designation as a)	
Lifeline Broadband Provider Eligible)	
Telecommunications Carrier)	
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**WABASH INDEPENDENT NETWORKS, INC.
PETITION FOR STREAMLINED DESIGNATION AS A LIFELINE BROADBAND
PROVIDER ELIGIBLE TELECOMMUNICATIONS CARRIER**

Wabash Independent Networks, Inc. (WIN or the Company), pursuant to section 214(e) of the Communications Act of 1934, as Amended (the Act), 47 U.S.C. § 214(e) and section 54.202 of the Federal Communications Commission's (Commission's or FCC's) rules, 47 C.F.R. § 54.202, hereby requests streamlined designation as a Lifeline Broadband Provider (LBP) eligible telecommunications carrier (ETC) in the proposed designated service area located in the state of Illinois for the purpose of receiving universal service Lifeline support for the provision of broadband Internet access service (BIAS or broadband).¹

¹ See *Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund*, WC Docket Nos. 11-42, 09-197, 10-90, third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (Apr. 27, 2016) (Lifeline Modernization Order) and *Wireline Competition Bureau Provides Guidance Regarding Designation as a Lifeline Broadband Provider and Lifeline Broadband Minimum Service Standards*, WC Docket Nos. 11-42, 09-197, Public Notice, DA 16-118 (rel. Sept. 30, 2016) (Lifeline Broadband Provider Guidance Public Notice).

I. INTRODUCTION

According to the Lifeline Modernization Order, the Commission has sole jurisdiction, pursuant to section 214(e)(6), to review and grant the Company's request for designation as an LBP ETC and, in that order, the Commission explicitly preempted state designation of broadband providers.² Petitions for LBP ETC designation will be deemed granted within sixty (60) days of the filing date for applicants that have provided BIAS to the public for at least two years and serve at least 1,000 non-Lifeline subscribers with voice telephony and/or BIAS as of the filing date.³ By this Petition, WIN requests LBP ETC designation in 430 census blocks located in the state of Illinois. Company meets all prerequisites for streamlined processing of this application under Section 54.202(d)(1) of the rules, and it respectfully requests such treatment.

As discussed in more detail below, WIN meets the requirements for designation as an LBP ETC and is able and prepared to offer the Lifeline-supported broadband service in the requested territory. Granting WIN's LBP ETC status will benefit the public interest by increasing the availability of quality broadband service offerings to a broad range of low-income consumers eligible for Lifeline benefits.

II. ABOUT WIN

WIN is a wholly-owned subsidiary of Wabash Telephone Cooperative, Inc. (Wabash Telephone Cooperative or Cooperative) which was founded in 1952 and is an eligible telecommunications carrier with study area code (SAC) 341088. The Cooperative is locally owned by its members and serves nine exchanges in South Central Illinois. The Cooperative and WIN

² See Lifeline Modernization Order ¶ 232.

³ See 47 C.F.R. § 54.202(d)(1).

together employ a total of 50 full-time employees. The Cooperative is governed by a board of nine directors representing the exchanges served by the cooperative. WIN provides both broadband internet service as well as video services for the cooperative members inside the nine Wabash Telephone Cooperative exchanges as well as the neighboring towns of Noble and Flora. Currently, WIN provides broadband service up to 1 Gbps with its minimum speed tier of 25/1 Mbps depending on technology type and customer location.

III. WIN MEETS THE REQUIREMENTS FOR DESIGNATION OF LIFELINE BROADBAND PROVIDER

Sections 54.201 and 54.202 of the Commission's rules outline the requirements that must be met before the FCC can designate a carrier as an LBP ETC. As discussed in further detail below, WIN meets the requirements for designation as an LBP established in section 214(e) of the Act and sections 54.201 and 54.202 of the Commission's rules and therefore LBP ETC designation is warranted. Further, WIN qualifies for 60-day streamlined processing of this Petition.

A. WIN is a Well-Established Telecommunications and Broadband Provider

As stated above, WIN has been providing quality telecommunications and broadband services to its customers in South Central Illinois since the 1990s.

B. WIN is a Facilities-Based Service Provider

WIN has a fiber and coaxial network throughout its service area that it uses to provide voice, video, and broadband services to its customers.

C. WIN will Comply with all Lifeline Broadband Service Requirements

WIN hereby certifies that it will provide service applicable to the support the Company receives, including the applicable minimum service standards for fixed broadband. WIN's fixed broadband service exceeds the minimum standard of 10/1 Mbps and 250 GB per month of data.

The Company also provides Wi-Fi-enabled modems to its customers in accordance with the Commission's rules.

The Company understands that it must continue to comply with any future additions to or amendments of the Lifeline rules and will revise its offerings as necessary to comply, in the future, with updated service standards. For example, the Company will continue to offer plans that include qualifying BIAS throughout its designated service areas even as the minimum service standards for qualifying BIAS are updated annually by the Commission.

D. WIN will Advertise Lifeline Service in Media of General Distribution

Pursuant to Commission rule Section 54.201(d)(2), WIN will advertise the availability of the broadband services and the charges therefor which are described more fully below using newspapers, social media, radio, websites and point of sale collateral and other media which are generally available in the proposed service area. The particular media will be selected to ensure that the projected recipients of Lifeline-supported broadband services are included in the audience.

E. WIN has the Ability to Remain Functional in Emergency Situations

WIN certifies that it has the ability to remain functional in emergency situations, has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. Further, Title 83 Illinois Administrative Code Section 730.325 requires an ETC to complying with provisions to meet emergencies including but not limited to the provision of emergency power. As such, each existing central office will contain a reserve battery supply of up to 5 hours where emergency power generators are not installed and up to 3 hours where they are in place. WIN and its parent company Wabash Telephone Cooperative have

implemented a redundant fiber optic ring allowing WIN the ability to reroute traffic around damaged facilities.

F. WIN will Satisfy Applicable Consumer Protection and Service Quality Standards

WIN certifies that it understands its consumer protection obligations under the Communications Act and its implementing rules, and is prepared to comply with those obligations and any future amendments or additions thereto. Applicable consumer protection rules include, but are not limited to, any applicable rules regarding unjust or unreasonable practices, discrimination, and relevant enforcement provisions in the Act and the FCC's rules.

WIN also complies with the requirements of 47 C.F.R. Part 64 Subpart U, Customer Proprietary Network Information and Subpart Y, Truth in Billing Requirements for Common Carrier, and Federal Trade Commission "Red Flag" rules to prevent identity theft. A manual for CPNI and an Identity Theft Prevention Program is in place and employee training is conducted annually. New hires are instructed on the programs as required by their job functions.

The Company is subject to consumer protection obligations for broadband services under federal law. These obligations include, but are not limited to, the following: public disclosure of accurate information regarding network management practices, performance, and commercial terms of broadband internet access services; as a means of providing sufficient information for consumers to make informed choices regarding use of such services, and for content, application, service and device providers to develop, market, and maintain internet offerings as specified in FCC 47 C.F.R. Part 8 §8.3.

G. WIN is financially and technically capable of providing Lifeline-supported broadband services in compliance with the Commission's rules

Commission rule 54.202(a)(4) requires ETC petitioners to demonstrate financial and technical capability to comply with the Commission's Lifeline service requirements. WIN provides several other telecommunications and broadband services as well as video services to non-Lifeline customers, and, therefore, will not be solely dependent on Lifeline subscribers for its revenues. WIN has provided voice telecommunications service for over twenty years and has provided broadband service for over fifteen years. WIN currently has a subscriber base of almost 3,000 subscribers. Consequently, the Company has access to sufficient funds to operate its business and is not solely dependent on reimbursement from the Lifeline Fund. WIN has not relied on support from any Lifeline or other USF mechanism to sustain its operations.

In addition, WIN has over twenty years of experience providing telecommunications services, including broadband service, using its own fiber and coaxial network, and therefore has the technical capability to provide Lifeline broadband services in accordance with the Commission's rules. Further, as discussed above, WIN is a wholly-owned subsidiary of Wabash Telephone Cooperative which has almost sixty-five years of telecommunications and broadband experience. Accordingly, the initiation of Lifeline service should add very little cost to WIN's current operations while permitting an expansion of supported services to additional customers. WIN is therefore fully financially and technically qualified to offer BIAS.

H. Terms and Conditions of WIN's Broadband Plans for Lifeline Subscribers

WIN will offer Lifeline customers the same broadband plans that are generally available to all customers. Below is a summary of the fixed broadband service plans that WIN will offer:

<u>Speed Tier</u>	<u>Monthly Price</u>	<u>Data Usage</u>
25 Mbps Download / 1 Mbps Upload	\$35.00	Unlimited
50 Mbps Download / 1 Mbps Upload	\$55.00	Unlimited
75 Mbps Download / 10 Mbps Upload	\$85.00	Unlimited

Details of the rates, terms, and conditions for the broadband plans can be found at www.wabash.net

IV. PROPOSED DESIGNATED SERVICE AREA

WIN will provide Lifeline-supported broadband service and will make the services available to all qualified consumers in its designated service area. Included as **Attachment A** is a list of 430 census blocks identifying the proposed designated service area for which WIN seeks designation as an LBP ETC to provide Lifeline-supported broadband services. These census blocks are not located within the Cooperative's service area. In addition, WIN will provide a Microsoft Excel file listing the census blocks *via* electronic mail to the Bureau Staff.

V. OTHER LIFELINE OBLIGATIONS

WIN recognizes and accepts the obligation to abide by the Commission's rules regarding the provision of Lifeline service generally and BIAS service specifically. In particular, WIN understands that the National Lifeline Eligibility Verifier will be the enroller of Lifeline customers once it is operational in the Company's state, but until then WIN is responsible for implementing and enforcing the Commission's verification, recordkeeping and recertification requirements.

WIN is aware of the Commission's current requirements regarding certification and verification of a customer's qualification for Lifeline service and will implement procedures to ensure the requirements are met. WIN also will check the applicant against the National Lifeline Accountability Database (NLAD), as well as its own duplicate checking system and will comply with the annual certification and reporting requirements as well as the Commission's measures to prevent waste, fraud and abuse of Lifeline services.

VI. WIN QUALIFIES FOR STREAMLINED PROCESSING OF ITS LBP ETC DESIGNATION

The Commission's Lifeline Modernization Order, as reflected in new rule 54.202(d), provides a streamlined process for approving LBP ETC petitions where certain criteria are met. To qualify for LBP ETC designation, applicants must meet the ETC requirements of section 214(e) of the Act, and FCC rules 54.201 and 54.202. However, petitions for LBP ETC designation will be deemed granted, unless the Commission notifies the applicant otherwise, within sixty days of the submission of a complete petition if the filer demonstrates financial stability and experience in providing broadband service. To meet this showing, applicants must show that they have provided broadband Internet access or voice service to at least 1,000 non-Lifeline subscribers. In addition, the applicant must have offered broadband service, without interruption, for the two years prior to the filing date.

WIN meets all of the requirements for streamlined LBP ETC designation. As demonstrated in this petition, WIN meets all of the ETC requirements of section 214(e) of the Act, and FCC rules 54.201 and 54.202 and has been providing, without interruption, both voice telecommunications and broadband service to non-Lifeline customers since 1999. As of the date

of this filing, WIN serves more than 3,000 non-Lifeline subscribers with either voice and/or broadband services. Accordingly, WIN meets all of the criteria for streamlined grant of its LBP ETC designation and expressly requests such treatment.

VII. THE PUBLIC INTEREST WILL BENEFIT FROM GRANTING LBP ETC STATUS TO WIN

The Commission's rules require that, before granting a request for ETC designation, the Commission must find that grant of the designation would be in the public interest.⁴ In determining if the public interest showing has been met in the context of voice Lifeline service, the Commission typically considers the benefits of consumer choice and the unique advantages and disadvantages of the applicant's service offering. These considerations should also apply to an LBP ETC designation public interest showing.

In the Lifeline Modernization Order, the Commission stated that, "much like telephone service a generation ago, broadband has evolved into the essential communications medium of the digital economy, continuing to transform the landscape of America even more rapidly and pervasively than earlier infrastructure networks" and that, "access to broadband shortens the distance to high-quality education, meaningful employment, and reliable healthcare. It is now the dominant technology used to communicate, educate, inform, and entertain."⁵ Further, the Commission referenced its *2015 Broadband Progress Report* in its Lifeline Modernization Order, when it said that "Americans turn to broadband Internet access service for every facet of daily life, from finding a job to finding a doctor, from connecting with family to making new friends, from becoming educated to being entertained."⁶ However, the Commission has recognized that a

⁴ See 47 C.F.R. § 54.202(b).

⁵ Lifeline Modernization Order ¶ 12.

⁶ *Id.* ¶ 18.

“digital divide” still exists with low-income consumers adopting broadband at rates well below the rest of the country.⁷

WIN’s broadband service will enable Lifeline-eligible subscribers to access the Internet for multiple tasks such as looking for jobs, online shopping, communicating with their children’s schools, communicating with their work or family and friends by email, and completing homework assignments. Granting WIN’s Petition will enable the Company to provide Lifeline-eligible consumers with access to convenient and much-needed Internet access, thereby helping to bridge the digital divide. Moreover, WIN’s Lifeline-supported broadband service plan is designed with disadvantaged consumers in mind and, as such, will help the Commission meet key Lifeline program goals, including closing the jobs and homework gaps and increasing competitive pressure to ensure that subscribers get high value for their Lifeline benefits. Further, entry of WIN to the Lifeline-supported broadband market will result in a source of quality broadband service that may spur other ETCs to offer competitive Lifeline broadband service offerings.

As of the date of this filing, WIN provides voice and/or broadband telecommunications services to more than 3,000 subscribers and has established detailed and comprehensive procedures to ensure service is provided in compliance with Lifeline requirements. WIN will leverage this experience and expertise to ensure its Lifeline-supported broadband services are offered in compliance with the Commission’s rules, thereby eliminating waste, fraud and abuse of the Lifeline program. This proven track record, combined with an attractive offering of broadband packages ensures that Company will provide more choices and more value for Lifeline eligible consumers. Accordingly, grant of this petition is in the public interest.

⁷ *Id.* ¶ 19.

VII. ANTI-DRUG ABUSE CERTIFICATION

WIN certifies that it or no party to this Petition is subject to a denial of federal benefits that includes Commission benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

VIII. CONCLUSION

For the foregoing reasons, WIN asserts that grant of the instant Petition for Streamlined Designation as an LBP ETC is in the public interest and is warranted in accordance with section 214(e)(6) of the Act.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Barry Adair", is written over a solid horizontal line.

Barry Adair
EVP / General Manager
Wabash Independent Networks, Inc.
P.O. Box 719
113 Hagen Drive
Flora, IL 62839
618-662-3636

Dated: December 12, 2016

Attachment A

Wabash Independent Networks, Inc.'s Proposed Designated Service Area

Census Blocks	170259721001043	170259721001084
170259721001000	170259721001044	170259721001085
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170259721001041	170259721001082	170259721002038
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Attachment A

**Wabash Independent Networks, Inc.'s
Proposed Designated Service Area**

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Attachment A

Wabash Independent Networks, Inc.'s Proposed Designated Service Area

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Attachment A

Wabash Independent Networks, Inc.'s Proposed Designated Service Area

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